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SELECT COMMITTEE ON INTER-SCHOOL ACTIVITIES

STATE DOCUMENTS

THE MONTANA HIGH SCHOOL ASSOCIATION
AND
MONTANA INTER-SCHOOL ACTIVITIES

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SUMMARY OF RECOMMENDATIONS

The Select Committee on Inter-School Activities recommends that the 1975 Montana Legislature:

(1) pass a resolution urging all school officials to actively support equity between girls' and boys' interscholastic athletics;

(2)* enact a bill to empower the Board of Public Education to oversee organizations whose purpose is to regulate interscholastic activities; to require the Board of Public Education to appoint two members to the board of directors of such organizations, and the Superintendent of Public Instruction to appoint one member; and limit the power of school district trustees to join organizations not overseen by the Board of Public Education.

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*The committee voted 3-2 to endorse this recommendation.

HOUSE JOINT RESOLUTION NO. 80

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE APPOINTMENT OF A COMMITTEE TO STUDY THE OPERATION, OBJECTIVES AND FINANCING OF INTER-SCHOOL ACTIVITIES IN MONTANA.

WHEREAS, the operation and management of inter-school activities is conducted by an association of the various public and private junior high schools and high schools in Montana without direct government supervision, and

WHEREAS, it is deemed advisable that the public be fully informed of the operation, objectives and financing of such activities which are closely related to the educational process in the public schools of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Superintendent of Public Instruction be requested to work with five other persons as appointed below as a committee to investigate and study the operation, objectives and financing of inter-school activities both athletic and non-athletic, in the public junior high schools and high schools of Montana and to report the results of such investigation and study to the 44th Montana Legislative Assembly on the opening day of its 1975 legislative session, and

BE IT FURTHER RESOLVED, That the five committee members shall be appointed in the following manner and in the following chronological order:

(a) the majority floor leader of the senate shall appoint one (1) senator from his political party. The minority leader of the senate shall then appoint one (1) senator from his political party not from the same United States congressional district as the member appointed by the presiding officer.

(b) the presiding speaker of the house of representatives shall appoint one (1) house member from his political party. Then, the minority leader in the house of representatives shall appoint one (1) house member from his political party not from the same United States congressional district as the member appointed by the speaker;

(c) the governor shall appoint one (1) member from the public-at-large, who shall not be an employee of or employed by, with or without compensation, a body directly concerned with education.

Each to be reimbursed for his actual and necessary expenses incurred while attending meetings and they shall receive no other compensation. The legislative priority committee shall set the

number of meetings, and

BE IT FURTHER RESOLVED, that said committee may request and shall receive the services of the Legislative Auditor and the Legislative Council if it so desires in the performance of its investigation and study.

INTRODUCTION

House Joint Resolution No. 80 established a select committee to investigate athletic and nonathletic interscholastic activities in Montana. By implication, the resolution directed the select committee to evaluate the control of inter-school activities by the Montana High School Association (MHSA) and to determine whether governmental supervision of inter-school activities is necessary or desirable. The resolution further directed the select committee to report the results of its investigation to the 1975 Legislature.

The resolution resulted from a growing concern by the public and by legislators regarding MHSA governance of extracurricular programs for Montana high schools. During the past several years, heated debate has enveloped the MHSA. Lay people and school officials have formed strong opinions -- pro and con -- about the association. That the MHSA plays an important role in the lives of high school students is not denied by recent observers of Montana interscholastic activities. By its study, the select committee hoped to provide a constructive forum for analyzing and discussing the aims of Montana inter-school programs and to determine to what extent the state should regulate those activities.

At its first meeting, the select committee directed the staff of the Legislative Council to gather data on and research the area of interscholastic activities in Montana and in other states. Specifically, the committee prepared and directed the staff to conduct three informational surveys: Survey of Montana Inter-School Activities; Survey of State Inter-School Activities Associations; Survey of Girls' Athletics in Montana. In addition, written testimony was solicited from the public and from the staff of the MHSA in lieu of a public hearing.

This report presents a description and analysis of interscholastic activities at the secondary school level and the select committee's deliberations and decisions. The descriptive and analytical portion of the report, which provided a forum for committee discussion, is based upon a study of the MHSA and other state associations, upon interviews, research of pertinent literature, and upon the results of the committee's surveys. The committee's recommendations are attached as Appendix I and Appendix II. The resolution (Appendix I) urging equity between boys' and girls' athletics was adopted unanimously. The bill (Appendix II) empowering the Board of Public Education to oversee organizations regulating interscholastic activity was adopted by a 3 to 2 vote of the committee.

An analysis of inter-school activities necessarily involves questions of philosophy in which consensus is absent. The committee and the staff have attempted to focus on the more

commonly voiced goals and criticisms of interscholastic activity. Because of limitations of time and resources, some aspects of inter-school competition (e.g., finances) were not studied in detail. This report, therefore, does not presume to be comprehensive.

STATE HIGH SCHOOL ACTIVITIES ASSOCIATIONS

Common Characteristics

State high school activities associations are usually defined as "voluntary" organizations of high schools formed primarily to promote and regulate competition between member schools. Generally, any high school accredited by its state department of education may join its state high school association, but a member school usually may not compete with a nonmember school. These associations typically have no statutory basis and do not receive tax money directly from the state. Operating funds are obtained from dues assessed against member schools and from tournament receipts.[1]

Most state high school associations share several common organizational characteristics. The typical association is governed by a board of directors whose members are educators or administrators from member schools and who are elected by those schools. The day-to-day affairs of the association are managed by an executive secretary. Detailed rules are adopted by the member schools to regulate nearly every aspect of interscholastic competition. Violations of rules are assessed by the Board of Directors: The constitution and bylaws usually provide that a decision of the Board of Directors is final unless overruled by a majority vote of member schools. Penalties may be assessed against individual students or against entire student bodies. The punishment is nearly always suspension from inter-school competition for a given period of time.[2]

Creation, Purpose, and Goals

The voluntary formation of secondary schools into statewide regulatory organizations originated in Illinois and Wisconsin in 1895. The association movement spread, and by 1947 every state had an organization. Each state association is a member of the National Federation of State High School Associations. The NFSHSA serves as a clearinghouse for interstate activities and provides member associations with relevant information.[3]

High school associations were originally formed to curb abuses evident in interscholastic athletics. Such abuses included

unbridled rivalry, unequal competition, undue proselyting, and overemphasis of athletics in extracurricular programs. Prior to the inception of high school associations, anyone could play on an athletic team; school size, and the age and academic status of the players were without limitation and virtually ignored. Since their beginnings, high school associations have been concerned with rules standardization, promotion of good sportsmanship, eligibility of contestants, and elimination of the exploitation of high school athletes.[4]

State associations gradually acquired authority over the so-called minor sports and over nonathletic activities. In addition to football, basketball, and track, most state associations regulate inter-school baseball, gymnastics, wrestling, swimming, tennis, golf, and volleyball. Fifty percent of the state associations which responded to the committee's survey also regulate such nonathletic events as orchestra, band, debate, drama, and public speaking. A smaller percentage (18%) of associations control high school "science fairs" and "play days".[5] High school associations are today an important force in the lives of students and parents throughout the nation.

The stated aims and objectives of the various associations are fairly uniform. One association handbook notes the goals to be "to provide, promote, extend, manage, and administer a program of activities for the youth of the public schools..." Another states: "To encourage student participation in desirable activities by conducting...programs of interschool activities..." Still another states: "To organize, develop, and direct an interscholastic athletic program which will promote, protect, and conserve the health and physical welfare of all participants."[6]

The National Federation of State High School Associations states more specifically that the guiding philosophy of its member associations in inter-school athletics shall be:

> primarily for the benefit of the high school students who participate directly...in them. The interscholastic athletic program shall exist mainly for the value which it has for students and not for the benefit of the sponsoring institutions.

Continuing, the NFSHSA declares that participation in interscholastic activities should be granted to those students who meet the minimum standards of eligibility, and that such activities should be so planned as to result in the opportunity for many individuals to explore a wide variety of sports.[7]

The goals of the NFSHSA appear worthy of emulation. The key is that opportunities to participate should be accorded as many "bona fide" students as possible -- a "bona fide" student being one who meets minimum standards of eligibility, not one who necessarily possesses superior athletic ability. All state associations ascribe to the rules and guiding principles of the

NFSHSA; and all define the eligible student in terms of residency and academic requirements.[8]

Determining criteria by which to judge the operations of state associations is a difficult task. Perhaps one should evaluate the associations by their own criterion -- to provide an equitable and organized activities program for as many students as possible.

Criticisms of Inter-School Activities and State Associations

The endorsement of wholesome interscholastic activities requires no justification. School authorities and lay persons have long recognized inter-school competition as an integral part of the total educational experience of high school students.[9] Soundly conducted inter-school activities aid young people in the development of sportsmanship, physical and mental alertness, self-discipline, and other worthy traits. But have the associations succeeded in achieving those goals?

According to some educational authorities, the success of the inter-school associations in promoting educational goals is debatable. These critics contend that inter-school activities have become overorganized under the control of the associations, and that the associations overemphasize athletics to the detriment of nonathletic activities. In addition, they argue that the so-called minor sports, such as tennis and golf, are shortchanged, when as lifetime sports they should be given greater emphasis. One critic, who is a firm believer in the merits of health and physical fitness, could see little gain in several hundred students "sitting and watching 6-12 costudents play a game." Others charge that the inter-school associations have been unsuccessful in efforts to prevent the perversion of the competitive spirit. The "win-at-all-costs" philosophy, encouraged by too many coaches, school administrators, and spectators before the formation of inter-school associations, has unfortunately not been sufficiently eliminated by these organizations. Finally, associations across the country have been criticized for devoting a disproportionate amount of time and energy promoting the money-making or spectator sports rather than encouraging widespread participation in all activities.[10]

Other critics have trained their guns on the whole concept of "voluntary" state associations. One professional educator contended that if "extracurricular" activities are an important part of the regular curriculum, the status of voluntary state associations is questionable. If inter-school activities should be part of the normal curriculum of the school, why are the regulation and control of inter-school activities lodged in hands other than the Superintendent of Public Instruction or the Board of Public Education? If control by elected officials is satisfactory and acceptable for the regulation of science or mathematics, why is there the evil connotation of "political

domination" when applied to the athletic curriculum? Finally, some commentators contend that "voluntary" high school associations are not "voluntary"; a school that does not join the association is ostracized from inter-school activities.[11]

Defense of State Associations

Varying degrees of controversy have surrounded state high school associations in recent years. Many of the problems mentioned in the previous section have confronted the boards of directors of associations. Associations have also had to face the problem of rectifying the long-standing inequities between boys' and girls' athletics.

The executive directors and assistant directors of the state associations responding to the committee's survey listed several areas of controversy. Leading the list was the interference of what the respondents called "outside groups." One-third of those responding made comments, such as, "Almost each legislative session finds a bill or two directed at our association (Minnesota): In most cases they result from objection to a particular regulation." Or (New Mexico), "Every two years, 2-3 politicians try to pass legislation to do away with the schools association.... Either their school-community or a friend has had its hand slapped for a rules violation." Or (Pennsylvania), "Legislative members react to complaints of their local constituency."

The staffs of the various associations further indicated that they believe the public is generally uninformed or misinformed about their associations. Most complaints and criticisms, they state, arise from parents who are upset over a ruling made against their children. Once the association's rules and rationale are made clear, complaints seem to subside.[12]

Defenders of the associations, furthermore, contend that the type of "voluntary" organization that controls all activities has several advantages. Among them are: (1) The coordination of all inter-school activity is accomplished and schedule conflicts are eliminated; (2) Undue emphasis on athletics is curtailed by treating all inter-school activities on the same basis; (3) Profits from the more lucrative athletic contests can be used to support other activities.[13] One might ask, however, why these advantages would not exist under a state-controlled organization.

The broad authority of high school associations over inter-school competition almost naturally makes the associations a source of controversy. More than three million secondary school students participate in interscholastic activities in the United States, and many more people participate vicariously as spectators. Inter-school competition, moreover, is often a highly emotional experience for players, spectators, and entire communities. Any agency controlling such an emotionally charged

area is not likely to be found wanting for critics.

Relationship of Associations to State Government

Most high school associations operate independently of any state agency or department. However, at least four state associations -- Kentucky, Maryland, New York, and Texas -- function under the general supervision of a state department or board of education pursuant to state statute or regulation. At least five other associations have specific statutory relationships with their state education departments. In Iowa, all eligibility rules must be approved by the State Board of Education and the association must submit a financial report to the state board every month; in Kansas, a similar situation exists; in Minnesota, the Commissioner of Education is a member of the Board of Directors by state statute; in West Virginia, the State Board of Education must approve changes in the association handbook; and in South Dakota, legislation was recently passed to require the State Auditor General's office to audit the association's funds annually.[14]

Most associations do have at least an informal, working relationship with their state department of education. Nine of the thirty-two state associations responding to the survey indicated that their state education department had a voting member on their Board of Directors. Twelve other associations had a representative from the education department on their executive committees functioning in an advisory capacity.[15]

Why some associations have statutory relationships with their education departments, while others do not, is difficult to discern. In response to an inquiry regarding this subject, the Superintendent of Schools in West Virginia replied:

> The Legislature was prompted to require the State Board of Education to approve the Commission's (Association's) handbook when some of the legislators felt that the Activities Commission through its executive secretary was acting independently and in an arbitrary manner and should be placed under the supervision of the State Board of Education.

Other superintendents, however, could not recall the rationale for legislative action.[16]

Litigation Involving Associations

High school associations might be expected to have had a long history of judicial involvement because of their effect upon hundreds of schools and thousands of students in an area fraught with controversy. As a subject of litigation, however, high school associations are relatively young.[17]

The first reported challenge to an association's authority occurred in Oklahoma in 1938. In the next two decades, only three other cases were reported. Since the early 1960's, however, there have been a number of court cases involving state high school associations.

The courts have ruled in favor of the associations in most suits filed against these organizations. In the 1938 Oklahoma case, in which the high school association had declared a student ineligible because he had received an award in violation of association rules, the state supreme court stated:

> Surely the schools themselves should know better than anyone else the rules under which they want to compete with each other in athletic events. And doubtless every one of these rules is founded upon reasons wholly satisfactory to the member schools. And if the officials of the various high schools desire to maintain membership in the association, and to vest final rule enforcement authority in the board of control, and, so far as affects the affairs of the association, the courts should not interfere.

The courts have deviated little from the Oklahoma court's ruling in recent years. For example, in a 1970 Minnesota case, involving a boy's eligibility to play hockey, the trial court found in favor of the student. But the state supreme court reversed the judgment, declaring that a court should not attempt to control the discretion of school boards either singly or as members of an association. The court further stated that a court should not interfere with the affairs of a state athletic association unless the association's action is "so willful and unreasoning, without consideration of the facts and circumstances, and in such disregard of them as to be arbitrary and capricious."

There seems little judicial doubt that associations enjoy a wide field of discretion in controlling interscholastic athletics. The courts have consistently determined that local school boards may join associations and that the associations have the right to rule on cases of eligibility. The courts have reasoned that the associations are voluntary organizations, that they have schools as members, and that state legislatures delegate discretion to local boards of education by statute.

The uniformity of decisions found in favor of the associations, however, cannot be read as an indication that the law is settled in this area. Case law is still scarce. Most cases have involved eligibility rules, while many areas of association authority remain untested. Furthermore, in at least two instances, federal courts have granted redress against actions by athletic associations on the basis of the equal protection clause of the United States Constitution. Finally, some states have discovered during recent controversies involving their associations that their local school boards have had no legal basis for delegating the administration of interscholastic

athletics to their high school associations.[18] One could reasonably expect, therefore, to see state associations challenged by more litigation in the future.

Girls' Athletics and State Associations

The courts have been ambivalent in one area of association activity -- girls' athletics. In a 1973 Minnesota case the court ruled that girls could not be barred from participating on varsity athletic teams where the females are more qualified than male members of the team and where no comparable program existed for girls. In Indiana and Illinois the courts found nothing wrong with the association's ban on girls participating on boys' teams. In New York the legislature enacted a law aimed at promoting equality of opportunity for sexes in the schools.[19]

Girls' athletics undoubtably will be a source of continuing litigation. Although women have made significant strides in the past several years, gross inequities still exist between male and female athletic programs. A few examples taken from a recent Sports Illustrated article illustrate these inequities: In 1969 a Syracuse, N.Y. school board budgeted $90,000 for extracurricular sports for boys while $200 was set aside for girls; New Brunswick (N.J.) High School offered 10 sports for boys and three for girls in 1972, with the split in funds being $25,575 to $2,250 in favor of the boys; the New Brunswick boys' track team received $3,700 last spring, while the girls' squad received $1,000 -- this might be considered a better-than-average division of money except that 70 New Brunswick students competed on the girls' team and only 20 on the boys'! Numerous other examples, including inequities in the salaries of women and men coaches, and inequities in the use of facilities could be cited.[20]

Local school boards and state high school associations should move rapidly to rectify the inequities that exist between male and female athlethics. If they do not, local schools will risk losing federal funds. The Department of Health, Education and Welfare issued a preliminary set of regulations in June 1974, under Title IX of the 1972 Education Act that prohibits discrimination in education programs and activities on the basis of sex by schools benefitting from federal financial assistance. In part, these regulations state that no person or school shall discriminate or aid another person or organization to discriminate on the basis of sex in extracurricular activities. These regulations are now in the hearing stage.[21]

If a school or association does not see fit to provide specific athletic programs for girls when it does so for boys, that school or association will probably face litigation. The courts and HEW might agree to "separate but completely equal" treatment of male and female athletic programs. Mixed teams might not be allowed in some activities especially in contact sports such as football. However, schools and associations will probably

be required to provide equal facilities, equal funding, and equal opportunities for girls to participate on girls' teams.[22]

MONTANA INTER-SCHOOL ACTIVITIES AND THE MONTANA HIGH SCHOOL ASSOCIATION

History of the MHSA

A group of Montana secondary school administrators met in Helena in 1921 and established the Montana High School Athletic Association. The purpose of the association was similar to that of associations in other states -- to provide a well-organized athletic program while avoiding the abuses and proselyting of athletes of the past. In 1931, the association began to supervise nonathletic activities and the name of the association was changed to the Montana High School Association. In 1948, the MHSA organized music districts, and in 1951, the association authorized a full-time office to coordinate the various inter-school activities. That same year, Mr. R. Rex Dalley became the association's executive secretary, a position he still holds. Between 1954 and 1955, the MHSA added wrestling, track, music, speech, and art and science fairs to the activities it supervises. In 1967, the association incorporated as a nonprofit organization under state law, added an assistant executive secretary to its staff, and constructed an office building in Helena.[23]

The MHSA today sponsors nine athletic activities for boys -- football, basketball, track and field, cross country, wrestling, swimming, golf, tennis, and gymnastics. The MHSA sponsors the same athletic events for girls, except football and wrestling. In addition, the MHSA supervises debate, drama, and music activities.

Purpose and Structure of the MHSA

The MHSA handbook states that the purpose of the association is "to promote clean amateur high school athletics and to provide for and control athletic contests and all other inter-school participation contests or programs, sanctioned by the Association...and to assist in the local promotion of such other activities...the association may...vote to undertake." The emphasis of the association has been, and is, upon athletic activities.[24]

The MHSA is structured in much the same fashion as other state high school associations. Any public or private high school or junior high school, accredited by the Montana State Board of Public Education and granted permission by its local school board, may become a member of the MHSA. Each member school agrees to abide by the association's rules and agrees not to participate in

any inter-school activities with any nonmember school. Moreover, member schools may participate as schools in only those activities expressly approved by the association. Bowling, skiing, and high school rodeos, for example, are not approved activities, and schools may not organize a team for these activities.[25]

The MHSA holds one annual meeting. At these meetings, each member school has one vote. Rules pertaining to scholastic standing, eligibility, awards, season limitations on sports -- any part of the bylaws of the association -- are voted upon by the membership. Any changes in the bylaws requires a simple majority vote of those member schools present and voting. Any change in the MHSA constitution requires a two-thirds majority vote of those present and voting. According to the MHSA staff, approximately 75% of the member schools attend the annual meetings.[26]

The Board of Directors of the MHSA has wide discretionary powers during the time between the annual meetings of the membership. The Board of Directors, as specified in the MHSA constitution, is charged with interpreting the constitution, the bylaws and rules of the association, with expending funds, and is granted wide policy-making powers prior to each annual meeting of the association.

The Board of Directors is also vested with the power to determine all protests and to impose sanctions on individual students or on entire schools for rules violations. A member school that has been found guilty of a rules violation may appeal the decision to the entire membership by filing a $150 deposit fee. The membership may uphold or overrule a protest decision by the board, evidently by a simple majority vote of those schools present and voting at a special meeting. No history of protests, decisions, and appeals could be obtained. Apparently, no school has ever appealed an adverse decision of the Board of Directors.[27]

Five school administrators comprise the Board of Directors of the MHSA. With the exception of one member elected by the Montana School Boards Association, each board member is elected by the membership. Each classification of schools -- AA, A, B, C -- must be represented on the board. Each board member is elected for a four-year term, and may not succeed him or herself. Finally, only a superintendent, principal, or school board member is eligible for election to the board.

The Board of Directors appoints an executive secretary, who serves as a nonvoting officer of the association. The executive secretary performs those duties delegated to him by the Board of Directors.[28]

The association is presently comprised of 185 high schools and 24 junior high schools. In Class AA basketball there are 14 schools; in Class A, 32 schools; in Class B, 40 schools; and in Class C, 99 schools. According to an estimate by the MHSA executive secretary, approximately 19,000 students of a total

enrollment of 58,500 participate in association sponsored inter-school activities. Nearly twice as many boys participate as girls.[29]

Litigation Involving the MHSA

The Montana High School Association has been subject to litigation in three instances in the past twenty-five years. Each of the three cases -- Hingham v. MHSA (?), Frenchtown High School v. MHSA (1954), and Grant v. MHSA (1973) -- dealt with student eligibility. And in each case the court found in favor of the association.[30]

Montana courts have upheld the right of local school boards to join the MHSA and to delegate powers to the MHSA. In the most recent case, Grant v. MHSA, the 12th District Court of Montana decreed:

> That it is within the power of the School Districts of Montana to delegate the regulation of inter-school activities between public schools located within the State of Montana to the Montana High School Association....

The court also stated that "the Montana High School Association in so regulating interscholastic activity has not abridged any constitutional rights of plaintiffs which are secured by the federal or state constitutions."[31]

The applicability of the court's decision in Grant v. MHSA to present conditions is open to debate, however. In its decree, the court referred to Article XI, Sections 1 and 7 of the 1889 Montana Constitution, which guarantees a free public education to school-age children. The court did not refer to Article X, Section 8 of the 1972 Montana Constitution, which states: "The suspension and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law."[32]

Whether a local school board can delegate or grant authority to a quasi-public, voluntary organization is a question that has not been raised under the new constitution.

The uniformity of favorable decisions involving the Montana High School Association, therefore, should not be construed as settling the law in interscholastic activities. Case law is still scarce, and many facets of the conduct of associations (e.g., investment practice) remain untested in court. Nor should the scarcity of suits brought against the MHSA be taken as an indication of the intensity of controversy that has enveloped the association.

Controversy and Criticism of the MHSA

The Montana High School Association has long been the subject of heated debate among educators, legislators, and the public. In 1956, when the MHSA substantially increased the number of activities under its supervision, many people feared that association activities would soon be expanded to cover practically all school extracurricular programs, with a proliferation of complications regarding participation for schools. These fears and concerns prompted a study of all high school associations by a Montana State University graduate student, and a study of MHSA activities and policies by the Montana School Boards Association. Neither study, however, attempted to evaluate the goals of inter-school activities and whether these goals were being achieved.[33]

In more recent years, the MHSA has come under heavy attack in the state legislature. In three of the last five sessions -- 1965, 1969, and 1974 -- a bill has been introduced in the legislature to place the supervision and control of all interscholastic activities in the Office of the Superintendent of Public Instruction. The first attempt died in committee; the second attempt passed both houses but was vetoed by the governor; the third attempt died in the wake of a resolution to study and evaluate inter-school activities.[34]

A House Education subcommittee undertook a brief analysis of the criticisms surrounding the MHSA in 1965. The subcommittee concluded: (1) that the MHSA failed to grant proper recognition to the less lucrative activities of speech, drama, music, and science fairs; (2) that the rules of local school boards and the MHSA appeared to conflict and that a clearer interpretation of the rules should be reached; (3) that personalities are involved in the controversy over the MHSA; (4) that the association seemed more concerned with regulatory discipline than with educational objectives; (5) that the MHSA appeared to retain a larger sum of money in its reserve fund than was necessary and that more profits should be returned to the member schools; and (6) that the reapportionment of school classifications had not been changed since 1943, causing financial hardships to some schools and inequities in competition among others.[35]

The House subcommittee proceeded to make several recommendations. Among them, two seem particularly relevant -- "that some type of an advisory board be formed to help and advise the Montana High School Association," and "that the state superintendent of public instruction be requested...to make...a study of school-connected inter-school activities."[36] Evidently, little action evolved from the subcommittee's recommendations for the controversy over the MHSA did not subside.

The MHSA controversy was one of the most hotly contested issues of the 1969 legislature. Persons of various positions in the public school system, as well as several legislators,

challenged the association's practices and procedures. Among many, Senator W. F. Bennett of Columbia Falls charged that the association staff acted as a "dictatorship," and that the Superintendent of Public Instruction was wrong in saying she did not want the MHSA in her office. "It (inter-school activities) should not be under a private corporation," he said, "any more than you would teach math under a private contract." A colleague argued that the annual meetings of the MHSA are merely "token" because anything brought up on the floor of a meeting had to be cleared several weeks in advance. Others contended, in debate with MHSA lobbyists, that the MHSA does use public funds and that such monies should not be turned over to a private corporation.[37]

The association came under particularly heavy attack in regard to its investment practices. Several critics declared that the cash reserves of the association were far too high, and that the monies were being invested in common stocks, by non-fiscal experts, thus involving public funds in risky finance.[38]

The Response of the MHSA

Prior to 1969, the association appears to have taken an ambivalent stance toward its critics. Criticism of the MHSA seemed to prompt little or no reevaluation of its practices by local school boards and member schools. During the 1969 session, the historical record indicates that the executive secretary of the association was quite active in lobbying for the association and in confronting the association's critics head-on.[39]

However, following the 1969 legislative session, when the MHSA was voted out of existence and saved by the governor, the association made several significant changes in its practices and procedures. Chief among the changes is the association's practice of conducting area meetings in various parts of Montana each year to explain the MHSA's aims and functions to interested educators, coaches, and lay persons. In 1972, for example, the MHSA Board of Directors held ten area meetings in cities from Wolf Point to Missoula. In 1974 the MHSA conducted its informational meetings in conjunction with the regional workshops of the Superintendent of Public Instruction.[40] The MHSA should be commended for holding these meetings and it is a practice that should continue.

The MHSA also implemented several other reforms. The MHSA membership approved a board recommendation to change the constitution to allow a member of the Montana School Boards Association to serve on the board in place of a school administrator elected at large. The association also altered its investment procedures by limiting to 50% of the yearly budget monies that could be invested, by investing monies in only those investments approved by shool districts, and by adopting a formula to prorate surplus funds above the approved encumbered budget to member schools.[41] Finally, and apparently by informal action, the MHSA lobbying effort is now conducted by members of the Board of

Directors and an association attorney, and no longer by the association staff.

IDENTIFYING THE PROBLEMS IN MONTANA INTER-SCHOOL ACTIVITIES

The MHSA, State Government, and Local School Boards

Despite the changes in association policies between 1969 and 1971, criticism of the MHSA resumed during 1973 and 1974. Among the charges leveled at the MHSA by legislators and private citizens were: (1) that the MHSA is dictatorial and arbitrary in its application of rules; (2) that schools that are members of the Montana School Boards Association have greater representation on the MHSA Board of Directors than schools tnat are not members of the MSBA; (3) that the MHSA uses public monies, yet is not accountable to the public; and (4) that the MHSA spends a disproportionate amount of time promoting the money-making activities to the detriment of other programs. Implicit in many of the criticisms was the equating of the MHSA with Mr. Rex Dalley, the executive secretary.[42]

The surveys and interviews left little doubt that personalities are very much involved in the controversy that engulfs the MHSA. Several educators and noneducators remarked that "getting rid" of Mr. R. Rex Dalley, the executive secretary of the MHSA, would resolve the present heated debate over Montana interscholastic activities. Many more individuals, however, expressed satisfaction with the job Mr. Dalley is performing, noting that controversy would follow anyone in his position. Mr. Dalley's defenders further stated that the executive secretary of the association does not make policy, he only follows what the member schools dictate, and if Mr. Dalley may have been outspoken in the past he has become more diplomatic in the present.[43]

Whatever the reasons for the clash of personalities in the MHSA debate, the personality issue is only a sidelight to the real problems of the association. Most attacks on Mr. Dalley seem to be arguments ad hominem that pretend to address the problems of inter-school activities but avoid the real issues involved. A change in the executive secretaryship of the MHSA would probably not satisfy for long the critics of Montana inter-school activities. The problems of interscholastic competition transcend individual personalities. Information from historical sources as well as survey material support this notion.

The results of the committee's "Survey of Inter-School Activities in Montana" were substantially in favor of the present operation of the Montana High School Association. And no significant differences existed between the comments of

superintendents and principals, coaches, activity directors, and officials. Question No. 9 of the survey, for instance, asked whether the MHSA (the Board of Directors and the Staff) was dictatorial. Typical responses included the following: "A common misunderstanding -- we have made our own rules as member schools -- the executive secretary merely carries out the rules. When bad judgment or poor rules result from association action, it is our own fault." Others remarked that "I do not feel that the MHSA is dictatorial. Whether it's dictatorial depends upon how a particular decision affected a particular school or student," or "I think the dictatorial powers of the MHSA are basically in order." Some respondents stated that the rules of the MHSA need to be revised. Generally, however, a majority of those responding accepted the premise that the association needs to be able to enforce rules in order to provide equitable competition.[44]

One of the last questions (No. 36) in the survey listed several alternatives one could choose regarding his or her attitude toward the job the MHSA has performed in inter-school activities. The choices ranged from leaving the association undisturbed because it has done an excellent job to eliminating the MHSA because it has not performed well in meeting educational objectives. Eighty-six percent of those responding -- an overwhelming majority -- indicated that either the MHSA has done an excellent job and should be left undisturbed or that the MHSA has provided a worthwhile service and should be left intact except for some minor reforms. Only 12% stated that the association should either be eliminated or its activities sharply curtailed.[45]

One question on the survey involved the issue of whether interscholastic activities should be under governmental supervision. Question No. 15 asked whether the MHSA should be eliminated and its functions lodged in the Office of the Superintendent of Public Instruction. Again, the response was overwhelmingly in favor of retaining the present association. Ninety-one percent disagreed with the idea of placing interscholastic activities directly under governmental control.[46]

Many of those who objected to placing inter-school activities in the state education office elaborated upon their reasons in their comments to questions 36 and 37. One principal stated:

> The alternatives to the present system are questionable. The Superintendent of Public Instruction wants no part of running the inter-scholastic activities; and with good reason. It could wrap her office up into many time-consuming petty hassles. Politically, it would be bad news. Creating another organization would probably be creating another form of tyranny.... The burden to make the necessary changes in the MHSA lies with the various boards of trustees across the state. They really have the responsibility to control their schools, and this includes interscholastic activities.

Several other educators also stressed the belief that placing

inter-school activities in the State Superintendent's office would cause athletics to become a "political football."[47]

The Superintendent of Public Instruction has left no doubt that she does not want the supervision of interscholastic activities lodged in her hands. On several occasions, the Superintendent has stated that any attempt by her office to supervise extracurricular activities would seriously hamper her most important task -- to lead and serve in instructional-academic matters.

Moreover, she told a Great Falls Tribune reporter in 1970 that the 1969 legislative proposal to do away with the MHSA and place it under her control was laughingly referred to in her office as "the bill to insure that no state superintendent served more than one term." Had the bill been signed by the governor, she stated:

> I'd never be able to travel the state and talk education again. Someone would always want to hash out some ruling over a player's eligibility. I wish people could get half as excited about academic matters as they did about this (inter-school activities).[48]

Evidence presented before the committee indicates that the Superintendent has not altered her view of inter-school activities in the past four years.[49]

The Superintendent's statement reflects one major problem with interscholastic activities in Montana and in the entire United States. Inter-school activities, particularly athletics, are highly emotional areas in which the concerns of many parents and spectators have little or no relationship to values of education, and yet they are areas in which noneducators have considerable influence. The charge that a shift of the control of interscholastic activities to the Superintendent's office would "politicize" inter-school athletics is simply not true. Inter-school athletics are already "politicized." The responses gathered from several surveys and interviews, as well as literature in the field, strongly demonstrate that inter-school athletics exist as much, if not more so, for parents, spectators, and coaches, who attempt vicariously to recover a lost opportunity, than for the students who actively participate. Too often downtown "quarterback clubs," spectators, educators, and coaches stress winning as all-important, and in the process the educational and character building values of interscholastic competition are lost or minimized.[50]

Logically, the control of interscholastic activities should fall under the Superintendent of Public Instruction, particularly if these activities are considered an integral part of a student's education. Furthermore, the MHSA does utilize public monies in the form of athletic facilities, coaches' salaries, and the dues of member schools.[51] However, the shift of the control of

inter-school activities from the MHSA to the state education department would not significantly alter the structure and practices of interscholastic activities. Neither the MHSA nor the Superintendent's office are capable -- and they cannot be expected to be capable -- of controlling parental and community interest in and influence upon athletics at the local level.

The responsibility for insuring that educational values are met in inter-scholastic activities lies more properly with school trustees at the local level. The MHSA, which is comprised of school administrators, can collectively establish rules of eligibility thereby preventing the proselyting of athletes and abuse of the games. But the MHSA cannot insure -- and has not insured -- that interscholastic competition achieves accepted educational goals. The MHSA cannot completely control the abuses of competition and undue partisanship that arise at the local level, and neither could the Superintendent's office, according to our research. At the same time, neither office could escape the harsh criticism generated when unpopular rulings are made that limit the competitive edge of a particular community.

The fact that the MHSA has been used to make unpopular decisions "to take the heat off" local school officials has served to heighten criticism of the association. Numerous people have cited examples of school trustees declaring "such and such" at the local level, and then phoning the MHSA staff to ask them to void that decision. As one legislator noted in 1969:

> School boards don't always want responsibility for overseeing inter-school activities because if a player is declared ineligible, the heat would be on them rather than on a far-off organization.[52]

Unless local educators take more direct responsibility for insuring a worthy inter-school program, capable of meeting educational goals, any organization -- whether it be the MHSA or the Superintendent's office -- will probably bear the brunt of criticisms arising from controversy in the emotional and highly charged area of interscholastic competition.

Girls' Athletics in Montana

Another facet of Montana interscholastic activities that demands discussion is girls' athletics. Have girls' inter-school athletics been treated fairly by Montana educators and administrators? What is the role of the MHSA and local school boards in girls' athletics? Who should have responsibility for insuring a sound girls' athletic program? These and other questions involving girls in sports have only recently generated discussion and debate among Montanans.

Girls' interscholastic competition at the secondary school level is a relatively recent phenomenon in Montana. The MHSA has

sponsored championship play for girls' track and field only since 1969. And MHSA-controlled championship play for girls' basketball is only one year old. Girls have had athletic teams, e.g., basketball and volleyball, for many years.[53] But only recently have girls' athletics begun to receive attention even remotely comparable to that granted boys' athletics.

Many inequities exist between girls' and boys' athletics. And the inequities are in favor of the boys. Ninety percent of Montana high schools, according to the committee's survey, expend over twice as much money for boys' athletics as for girls' athletics. A similar percentage pay their boys' basketball coach twice what they pay their girls' basketball coach. Moreover, in interviews, officials and coaches noted that girls' teams are not permitted the same access to athletic facilities accorded boys' teams. Not uncommonly, girls' basketball teams hold practice sessions in the early hours of the morning, before school begins because the various boys' teams have sole access to gym facilities during after-school hours. Finally, girls' teams competing under the auspices of the MHSA are limited to far fewer games than boys' teams.[54]

Reasons for the inequities between boys' and girls' athletics are many and varied. Traditions and bias have dictated that girls should be groomed for childbearing and for kitchen duties; that girls are more fragile than boys and, hence, unable to withstand the strain of competitive sports; that sport is a masculine undertaking; and that girls simply are not interested in competitive sports.[55]

These rationalizations are steeped in mythology. Numerous studies have destroyed the fiction that girls are physically more fragile than boys. Other studies have demonstrated that when girls are provided the opportunity to participate in sports they are most enthusiastic. For instance, in Iowa, where girls' and boys' teams enjoy equal funding, practice facilities, and coaching, thousands of females participate in competitive sports.[56] Any lack of interest on the part of girls is the fault of society which has discouraged girls from participating in competitive sports for so many years.[57]

The primary reason why institutions and administrators have resisted improving girls' competitive athletics has been pinpointed, according to a recent Sports Illustrated article, by Harvard's Dr. Clayton Thomas. He stated:

> The appearance of girls' teams to utilize sports facilities not previously required by them will have great economic impact on schools, colleges and communities. If, by some miracle, women suddenly begin using public and private athletic facilities to even half the extent they are used by men, then the overcrowding would be catastrophic.[58]

Responses to the committee's survey on girls' athletics bear out

this fear.[59] Whether the situation would be catastrophic depends, of course, on one's outlook.

A marked increase in participation by girls would force radical change on public school systems. Faced with financial crises and rising costs, many schools have sought ways to reduce athletic expenditures. If the inequities between boys' and girls' athletics are to be rectified, the most likely alternative is to take resources from the programs now operated for the benefit of males.[60] Moreover, as mentioned earlier, schools and organizations receiving federal funds may be required to upgrade girls' athletics substantially. Many school administrators believe that improving girls' competitive sports is desirable and necessary. For instance, James Bergene, principal of C. M. Russell High School in Great Falls, was quoted recently as stating:

> If athletics have a place in education then they are as important for girls as boys. If they have no general educational value, if they are just something for boys and to entertain townspeople and alumni, then we should get rid of them. Any principal who is willing to support a strong boys' athletic program and is content to have a weak girls' one has no business calling himself an educator.

C. M. Russell, which Sports Illustrated cited as having an excellent girls' athletic program, spent $15,000 for girls' and $35,000 for boys' athletics in 1972-73, a ratio Mr. Bergene hopes is narrowed in the future.[61]

The responsibility for upgrading and promoting girls' competitive athletics lies as much with the MHSA as with local school administrators. To argue otherwise, as did many respondents to the committee's survey, is to ignore the structure of the high school association.[62] The MHSA is local school administrators; and the MHSA administers boys' and girls' inter-school competition.

The problem, therefor, is to ascertain what the MHSA is doing to establish parity between girls' and boys' athletics. According to the MHSA staff, the high school association is now conducting women's athletics "exactly the same" as it is handling boys' athletics. It must be assumed that the MHSA manages girls' and boys' athletics "procedurally" the same, for the staff presented no evidence to demonstrate that girls' athletics are on a par with boys' athletics in terms of funds allocated and numbers participating. Moreover, the MHSA staff's contention that Montana high schools have taken a more positive position on girls' athletics than other states suggests that the MHSA is unjustifably complacent regarding girls' athletics in Montana.[63] Certainly evidence contrary to that cited earlier must be presented before the MHSA can assume a laudatory stance vis-a-vis girls' sports.

Undoubtably, the status of girls' athletics in Montana has

improved in recent years. Much more, however, remains to be done. Over 70% of those responding to the committee's survey believe that girls' should be given greater opportunity to participate on girls' teams. Several state associations, moreover, have adopted positive and visible policies regarding girls' participation in sports.[64]

IDENTIFYING THE GOALS OF INTERSCHOLASTIC COMPETITION

The one aspect of interscholastic competition that begs for clarification and reevaluation is goals. Exactly what should be the aims and objectives of inter-school programs? This report can only relate what others have said on this subject.

The Commissioner of State Education in New York recently noted that special vigilance must be taken to prevent overzealous competitiveness in high school activities. Speaking before the National Federation of State High School Associations, he stated:

> It is incumbent upon all of us to keep inter-scholastic activities and sports in proper perspective, in balance with what else the schools have to do, and without the abuses and evils...which have surfaced to public view throughout the nation in recent years at all levels of athletics, Little League, high school, college, professional ranks.

Then in a series of rhetorical questions, the New York Commissioner identified what he thought was the major problem in inter-school athletics today: Rules and regulations, and athletic contests are operated primarily for the benefit of the "prideful expectations of parents," "the principal of the school and the enhancement of his leadership position," and "for the coaches and the advancement of their careers," -- not for the students.[65] The Commissioner concluded by suggesting an antidote for the problem. He stated that in seeking to improve and expand interscholastic sports:

> We must all keep the humanistic ends of education in mind, namely, to teach our youth in ways that will enable them to live a life, a creative, sensitive and humane life, to teach our youth in ways which will make them richer on the inside than they are on the outside, so that when they knock on themselves, they will find something at home.[66]

Another authority on athletic competition commented recently upon the role of the spectator in sports. He thought that the fan should enjoy the high skill level of the performer, that while competitiveness and partisanship were not bad traits, they are all too often abused by the fan whose chief concern is in the final

score. The real victory in athletics should be the quality of the competition, not the final result.[67]

To achieve the proper goals of inter-school competition local excesses must be controlled. The question now is to determine how these excesses can best be checked.

STAFF RECOMMENDATIONS FOR COMMITTEE CONSIDERATION

Listed below are some suggested changes in Montana interscholastic activities that the committee considered in its deliberations. The committee considered several other changes, as well, and discarded them, before determining the substance of its recommendations.

Alternative 1: Intramural Competition for Class AA and Class A Schools

Recommend that the larger schools -- Class AA and A -- be limited to intramural competition. The committee's survey revealed that in the Class B and C schools student participation in MHSA-sponsored activities ranged from 75% to 95% of the entire student body, while in the larger schools participation ranged from 25% to 35% of the entire student body.[68] If "participation" is one goal of inter-school activities, this recommendation would insure that many more students are provided an opportunity to develop sound physical and mental traits through participation. A larger school, like Missoula Sentinel, for example, could field 10 to 12 boys' basketball teams and 10 to 12 girls' basketball teams without great difficulty. Moreover, limiting the larger schools to intramurals would alleviate the problems of overzealous spectators, controversial rulings on eligibility, etc. Furthermore, intramurals would provide a more equitable and efficient use of taxpayers' monies, which provide the facilities for athletic programs. Any school large enough to operate an aggressive and competitive intramural program should do so.

As a variation of Alternative 1, the committee could recommend that the larger schools be required to have a well-run, visible intramural program, providing opportunities for all students to participate in sports, before that school could participate in interscholastic competition. Determining the criteria for evaluating what is a well-run intramural program, could be delegated to the Superintendent's office or some other agency or organization.

Interestingly, nearly 50% of the people responding to the committee's survey thought more emphasis should be placed on intramurals and less on inter-school competition.[69]

Alternative 2: Intramurals and Girls' Athletics

Recommend to the MHSA that interscholastic athletics for girls in the larger schools must be conducted only as an outgrowth of a sound intramural program in a sport.[70] Several state high school associations have adopted this policy. It seems to be a sound policy, and there is no reason why girls' athletics should not avoid the worst aspects of boys' athletics. The smaller schools (most schools in Montana are Class B and C) would not need to abide by this policy because of limitations in school enrollment.

Alternative 3: Girls' Athletics

Recommend that both the MHSA and the Superintendent of Public Instruction actively promote equity between boys' and girls' athletics. The rationale for this recommendation has been discussed earlier.

As a variation of this alternative, recommend to the MHSA that the girls' basketball season be the same as the boys' season. There seems no reason to have girls' basketball in the fall and boys' in the winter. Consideration might also be given to holding boys' and girls' basketball games together.[71]

Alternative 4: Composition of the MHSA Board of Directors

Recommend that the MHSA Board of Directors be substantially enlarged to include: (1) a voting representative from the Office of the Superintendent of Public Instruction; (2) a representative from music; (3) a representative from speech; (4) a representative from athletics; (5) a woman coach, activity director, or physical education teacher. Enlarging the Board of Directors might involve more expense in meetings, travel, etc. However, it would decidedly aid in making the MHSA more democratic. No other state high school association has as few members on its Board of Directors as the Montana High School Association.[72]

Alternative 5: Revisions in MHSA Rules and Regulations, and a Curtailing of MHSA-Sponsored Activities

The committee recommends changes in the rules of the association, and recommends that some activities controlled by the association be returned to local school board control.

Alternative 6: Transfer the Functions of the MHSA to the Office of the Superintendent of Public Instruction

The pros and cons of this action have already been discussed at length in this report.

Alternative 7: Do Nothing

To do nothing is always an alternative. Many persons, moreover, as revealed in the surveys, would like to see the association left undisturbed.

COMMITTEE DELIBERATIONS AND RECOMMENDATIONS

The committee determined at its August 23 meeting that its primary task was to decide to what degree the MHSA should be placed under governmental supervision. The committee generally agreed that while the MHSA had performed a worthwhile task it was subject to criticism because it lacked a structure through which it could be held more accountable to the public. After considering the recommendations presented for consideration by the staff, the committee focused its attention on the topic of the MHSA and governmental supervision.

The committee determined that four of the seven suggested recommendations were not viable solutions for the problems of interscholastic competition in Montana. Alternative 7 (do nothing) was quickly dismissed. After careful consideration, Alternative 1 (intramurals) was also dismissed. Testimony presented to the committee indicated that many of the larger schools now have well-run intramural programs, that many more schools are promoting intramural activities and budgeting accordingly. In addition the committee noted that to require intramural programs on the scale suggested would necessitate far more coaches and far greater facilities than the high schools can afford. Similar arguments prompted the committee to vote against Alternative 2 (intramurals for girls). Alternative 6 (placing the MHSA under OSPI) was not voted upon, although the committee's discussion suggested the members had reservations about this recommendation.

The three other suggested recommendations were treated variously. Alternative 3 passed: The committee directed the staff to draft a resolution urging school officials to actively promote equity between boys' and girls' athletics. Alternative 4, which would substantially alter and enlarge the MHSA Board of Directors was tabled. No motion was presented on Alternative 5 (revising MHSA rules).

The committee then directed its attention to state supervision of interscholastic activities. Representative Lynch stated that the committee ought to consider some form of general state supervision over these activities. He noted, in referring to page ten of the staff report, that several other states oversee one or more areas of high school association activities. After lengthy and careful consideration, the committee directed the

staff to draft bills and resolutions that would encompass: (1) approval by the Board of Public Education of MHSA rules and regulations, financial reports and audits, and changes in rules and regulations; (2) varied memberships on the MHSA Board of 9irectors; including a representative from the Superintendent of Public Instruction's office. In addition, the committee requested that the staff find out how many schools are members of the MHSA but not members of the Montana School Boards Association, and that the staff query other states in regard to the relationship of their activities association to their state department of education.

At its final meeting on November 8, the committee considered five proposals drafted by the staff at the committee's direction. Drafts 1 and 2, requested by Representative Lund, would place a representative from the Superintendent of Public Instruction's office on the Montana High School Association Board of Directors. Drafts 3 and 4 would involve the Board of Public Education as an overseer of associations that regulate interscholastic competition, as well as placing a representative of the Superintendent's office on the board of directors of such associations. Drafts 1 and 3 were resolutions, while drafts 2 and 4 were bills. Draft 5 was a resolution urging the promotion of equity between boys' and girls' inter-school athletics.

The committee debated the merits of the five drafts and adopted two of them -- draft 4 in an amended version, and draft 5.

Representative Lynch moved that draft 5 be adopted. Mrs. Rivenes seconded the motion. During the discussion that followed, it was noted that Title IX of the Federal Education Act would soon require schools receiving federal funds to operate extracurricular programs on a basis of equality between the sexes. Mr. Alve Thomas, representing the Office of the Superintendent of Public Instruction, stated that the Superintendent strongly supported the resolution, that equity between boys and girls in interscholastic activities should be given the force of a state resolution, even though such equity is required by federal regulation. On a roll call vote, the committee unanimously decided to adopt draft 5 (see Appendix 2).

Representative Lynch next moved that drafts 1 and 2 be tabled for the moment. On a voice vote, Representative Lynch's motion carried.

Representative Lynch then moved that draft 3 not pass. Draft 3 would, by resolution, ask the MHSA to alter its constitution to subject its rules and regulations to approval of the State Board of Public Education and to provide a place for a voting representative from the Superintendent's office on the association's board of directors. Representative Lynch objected to the resolution because it did not have the force of law; the MHSA might or might not accept the recommendations contained in the resolution. Representative Lynch's motion was seconded and

carried unanimously.

Representative Lynch then offered two amendments to draft 4. The first amendment would require the Board of Public Education to appoint two members to serve on the board of directors of associations that attempt to regulate interscholastic activity. The second amendment would delete the provision that denied to the Board of Public Education control over the internal affairs of interscholastic activities associations. Mrs. Rivenes seconded Representative Lynch's motion to amend draft 4 and discussion followed.

During the discussion, Representative Lynch stated that problems had existed with the present organization of interscholastic competition for many years and that some state agency should now be required to oversee these activities and, thus, provide a greater degree of public accountability of those regulating these activities. Mr. Alve Thomas stated that the Superintendent did not want the control of interscholastic or extracurricular activities in her office because it would severely detract from her main task -- the job of insuring a quality academic program. He said, however, that if interscholastic activities were placed in her office she would not renege that duty, provided adequate funding followed. Senator Klindt objected to Representative Lynch's proposed amendment. He proposed, instead, that a bill be drafted around a title that read: "To amend Section 75-5707, to require the state supervisor of physical education to serve on any board of directors of organizations whose purpose it is to regulate public school interscholastic activities; to limit such control of school activities and individual contestants to the academic year; to require organizations regulating such activities to submit their rules and regulations and annual audit to the State Board of Public Education for their review and approval." For lack of a second, Senator Klindt's proposal died. Representative Lund then asked Representative Lynch whether draft 4 would not take local control of interscholastic activities away from the school districts. Representative Lund said he thought draft 4 would take away local control and he, therefor, would not support the amendments or the bill. Representative Lynch stated that while he did not intend for the Board of Public Education to dictate such items as the salaries of the MHSA staff, he did believe that the board should have a veto power over the rules of the MHSA.

A roll call vote was then taken on Representative Lynch's proposed amendments and on draft 4. In each of the votes, the motion carried, 3-2. Voting for the amendments and the bill were Representative Lynch, Senator Lynch, and Mrs. Rivenes. Representative Lund and Senator Klindt voted against each motion. Draft 4, as amended, is attached as Appendix 2.

Representative Lund then moved in succession that (1) draft 1 be adopted, and that (2) draft 2 be adopted. Both motions died for lack of a second.

During its deliberation of the draft proposals, the committee also heard testimony from representatives of the Montana High School Association, the Montana School Boards Association, the Montana Association of School Administrators, and from other interested citizens. The following points were apparent from the testimony: (1) a great deal of confusion exists in the minds of the public, etc., concerning MHSA rules on eligibility (e.g., is a high school athlete ineligible for inter-school activities if he plays on a town, not school, sponsored team, if he competes against athletes from other nations, etc?); (2) confusion exists over how the MHSA handles the eligibility of students who transfer from one school to another; (3) the MHSA handles the televising of contests differently from the broadcasting of contests; (4) the concepts of extracurricular and curricular activities, and how they differ, are not clear to many people; and (5) several schools that are members of the MHSA are not members of the MSBA. Regarding the last point, it was noted that of the ten schools concerned, most are small rural schools. Representative Lynch stated, nevertheless, that an inequity seemed to exist here since the MSBA elects a member to the MHSA Board of Directors who does not represent the ten schools that are independent of the MSBA. Representative Lynch agreed to sponsor the proposed legislation (see Appendices 1 and 2).

FOOTNOTES

[1] Dale C. Doerhoff, "State High School Associations and the Law", Journal of Law and Education, V. 2 (January 1973), p. 41; Official Handbook(s) of thirty-five state athletic associations; Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

[2] Ibid.

[3] National Federation of State High School Associations Official Handbook, 1972-73, pp. 14-15; John M. Borgenson, "A Study of State High School Associations Leading to Development of Evaluative Criteria for These Associations", The Research Record, V. II (April 1956), p. 4 (Montana State University, Missoula, Montana).

[4] John G. Stevens, "Survey of High School Associations of the Forty-Eight States", unpublished master's thesis, Montana State University, Missoula, Montana, 1956, p. 10-11.

[5] Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

[6] Official Handbook, Minnesota State High School League, 1973-1974, p. 18; Virginia High School League Handbook, 1973-1974, p. 4; 1973-1974 PIAA Handbook, p. 3.

[7] National Federation of State High School Associations Official Handbook, 1972-1973, pp. 21-23.

[8] Ibid.; Official Handbook(s) of thirty-five states, 1973-1974.

[9] See for example, Owen B. Kiernan, "How School Administrators Evaluate the High School Athletic Program", in Secondary School Athletic Administration, Report of the Second National Conference on Secondary School Athletic Administration, Washington, D.C., 1969, pp. 1-3.

[10] Borgenson, "A Study of State High School Associations", pp. 4-6; Dr. Belle C. Richards to Select a Committee on Inter-School Activities, June 13, 1974, Legislative Council Files; Ewald B. Nyquist, "Equity in Athletics or a Ms. is as good as a Male", an address to the 54th Annual Meeting of the National Federation of State High School Associations, Bloomington, Minnesota, July 3, 1973.

[11] Borgenson, "A Study of State High School Associations", pp. 4-6.

[12] Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

[13] Borgenson, "A Study of State High School Associations", pp. 4-6.

[14] In Kentucky, a State Board of Education regulation states in part that all schools participating in interscholastic athletics shall belong to the Kentucky High School Athletic Association; no specific statute places the KHSAA under the Kentucky State Board of Education. In Maryland, a similar situation exists. The Maryland Association is under the State Department of Education by regulation rather than by statute, but in Maryland the Physical Education Supervisor of the State Department serves as the Executive Secretary of the high school association. In New York, inter-school sports are regulated by the state, but are financed and organized by private associations such as the high school association. The supervision of inter-school activities in Texas is unique among the states. Such activities in Texas are under the auspices of the University Interscholastic League, which does not function under any statutory authority. The League is operated by a bureau of the Extension Division of the University of Texas at Austin and is under the general authority of the University of Texas Board of Regents. The Texas League receives funds from the Texas Education Agency.

In some other states, associations have attempted to resolve their conflicts with the legislature and the public through means other than, or in addition to, state statutes. The Minnesota Association, for instance, is currently conducting public hearings about its activities in conjunction with the House Education Committee. The Arizona Association responded to public criticism by asking the State School Board to appoint four lay persons to its policy-making body, which it did. The Kansas Association establishes election districts for its Board of Directors in cooperation with the Legislature. And in New Mexico, the association board meets regularly with the Legislative School Study Committee and includes every legislator on its mailing list. See correspondence between states mentioned and Montana Legislative Council, Legislative Council Files, July-September, 1974; Iowa State Statutes, Title VII, Chapter 9, 9.1-9.13; Kansas Statutes 72-130 through 72-134; Minnesota Statutes, 129.121, 123.17; New Mexico Statutes Annotated, 77-2-2, Laws of 1967, Chapter 16, Section 5; Codes of West Virginia, 1931, 18-2-25; South Dakota CL 13-36-5; R. Rex Dalley, "Report on a Study of the State Association's Relationship to the State Department," paper presented at the Fiftieth Annual Meeting of the National Federation of State High School Associations, Las Vegas, Nevada, July 9, 1969; Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

[15] Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

[16] Daniel B. Taylor to R. Hargesheimer, September 19, 1974, Montana Legislative Council Files. See also correspondence from superintendents and association directors of Colorado, Georgia,

Louisiana, and Maryland, September 1974, Montana Legislative Council Files.

[17] The main sources for the section on litigation are: Doerhoff, "State High School Associations and the Law"; M. Chester Nolte, "Trouble Ahead If You Discriminate in Sports", American School Board Journal (September 1973), pp. 19-23; Laurence W. Knowles, "Brenden v. Indpt. School Dist. 742: Girl Athletics Get a Sporting Chance", Nation's Schools, V. 91 (March 1973), p. 38; "Athletic Associations: A New Area of Litigation", NASSP Newsletter, March 1972; "Legal Aid Pact: Synopsis of Court Cases", National Federation of State High School Associations, January 1974; Stevens, "A Survey of State High School Associations", pp. 77-82.

[18] In 1971, in Kentucky, for example, the association was involved in a Federal Court case (E. Deedom Alston, et al. v. Kentucky High School Athletic Association, Civil Action 2274). The court ruled: "As provided by KRS 156.070, the State Board of Education, under its general powers and duties, has the management and control of the common schools...this responsibility and control cannot be avoided or relegated to the KHSAA...." The state of Kentucky, as a result of this decree, appended the association to the state education department by regulation. J. B. Mansfield, Commissioner, KHSAA, to R. Hargesheimer, September 18, 1974, Montana Legislative Council Files. See also the correspondence from John E. Molesworth, Executive Secretary, Maryland Public Secondary Schools Athletic Association, September 18, 1974.

[19] M. Chester Nolte, "Trouble Ahead If You Discriminate", p. 22.

[20] Bill Gilbert and Nancy Williamson, "Women in Sport", Sports Illustrated, May 28, 1973, pp. 88-98; June 4, 1973, pp. 44-54; June 11, 1973, pp. 60-73.

[21] "Education Programs and Activities Receiving or Benefitting from Federal Financial Assistance", Department of HEW, Federal Register, V. 39, No. 120, June 20, 1974.

[22] Ibid.; Nolte, "Trouble Ahead If You Discriminate", p. 23.

[23] Stevens, "A Survey of State High School Associations", pp. 75-76; Montana High School Association Official Handbook, 1973-1974, p. 8.

[24] MHSA Official Handbook, p. 9.

[25] Ibid., pp. 138-139.

[26] Ibid., p. 10-16; Interview with R. Rex Dalley and Les Irish, July 9, 1974.

[27] The MHSA Handbook does not specifically state how many votes are required to overrule a protest decision of the Board of

Directors. MHSA Handbook, pp. 14-16; Interview with Dalley and Irish, July 9, 1974.

[28] MHSA Handbook, pp. 13-14.

[29] Interview with Dalley and Irish, August 6, 1974.

[30] Stevens, "Survey of High School Associations", p. 31; Gary W. Grant, et al., v. MHSA and High School District 16, 12th Judicial District Court, No. 14, 580, 1973.

[31] Grant v. MHSA, pp. 1-2.

[32] Constitution of the State of Montana, Published by Authority, Secretary of State, Helena, Montana, 1972, p. 33.

[33] Stevens, "A Survey of State High School Associations"; Report of Committee on Relations Regarding Board of Directors of the Montana High School Association, Montana School Boards Association, November 12, 1956.

[34] SB 154 (1969); HB 841 (1974); HJR 80 (1974).

[35] Report of House Education Subcommittee on Montana High School Association, 39th Montana Legislature, February 23, 1965, pp. 1-3.

[36] Ibid., pp. 3-4.

[37] Ben Hansen, "The Debate Continues Over MHSA", Great Falls Tribune, January 15, 1970.

[38] Ben Hansen, "School Fund Investment Causes Problems", Great Falls Tribune, January 16, 1970.

[39] See for example, Great Falls Tribune, January 15, 16, 17, 1970; Independent Record, Helena, June 15, 1970.

[40] Interviews with R. Rex Dalley and Les Irish, MHSA staff; Dalley to MHSA Board Members, Re: Area Meetings, October 30, 1972, Montana Legislative Council Files.

[41] Ben Hansen, "Solons 'Scared' MHSA", Great Falls Tribune, January 16, 1970.

[42] Testimony before Senate and House Committees on State Administration, 43rd Montana Legislative Session, March 1974.

[43] Survey of Montana Inter-School Activities, July 1974; Letters from the public to Select Committee on Inter-School Activities and from Montana Association of School Administrators, June-July, 1974, Montana Legislative Council Files.

[44] Survey on Montana Inter-School Activities, July 1974, Montana Legislative Council Files.

[45] Ibid.

[46] Ibid.

[47] Ibid.

[48] Hansen, "Solons 'Scared' MHSA", Great Falls Tribune, January 16, 1970.

[49] Testimony before Select Committee on Inter-School Activities, June 6 and August 23, 1974, Minutes of Meetings, Montana Legislative Council Files.

[50] That coaches, spectators, etc. often do overemphasize winning to the detriment of educational values is indicated by the very real concern among educators that interscholastic activities maintain a proper educational perspective. The Montana Association of School Administrators, for example, stated in a recent position paper (May 20, 1974, Montana Legislative Council Files): "We must always be cognizant of the fact that activities programs exist to serve the student, and to protect the students at all times from being exploited for the benefit of the school or community." The same concern was voiced repeatedly in the Committee's survey on inter-school activities (Legislative Council Files). One superintendent stated of the goals of inter-school competition: "Philosophically, it is to allow the best effort to emerge via the medium of competition...Realistically, the goal is to provide adult entertainment and to perpetuate the rather juvenile notion that our community is better than yours." See also Secondary School Athletic Administration: A New Look, Report of the Second National Conference on Secondary School Athletic Administration, Washington, D.C., AAHPER, January 1969.

[51] In response to the question whether the MHSA uses public monies, Mr. Dalley replied in part: "I suppose the general interpretation of any money that is collected by a public agency such as the Montana High School Association could be interpreted as public funds...The MHSA does rent stadiums [etc.]...Certainly this...income taken in at tournaments...and the money from those admissions that are used to pay for the operation and maintenance of the facilities helps to reimburse the taxpayers for the maintenance and operation of these facilities." August 6, 1974.

[52] Hansen Interview, "The Debate Continues Over MHSA", Great Falls Tribune, January 15, 1970; See also Hansen, "Dalley Critical of Criticism," Great Falls Tribune, January 17, 1970.

[53] MHSA Handbook, pp. 83, 111.

[54] The MHSA limits girls' basketball teams to 16 games prior to tournaments. With respect to boys' Class AA basketball teams, however, the MHSA allows the Class AA schools to determine how many games they will play prior to tournaments. MHSA Handbook, pp. 70, 81.

[55] See DGWS Research Reports: Women in Sports, AAHPER, Washington, D.C., 1973; Women's Athletics: Coping with Controversy, selected papers from the 1973 AAHPER National Convention, Minneapolis, Minnesota.

[56] Well-established girls' athletics in Iowa are not, contrary to information available to the MHSA staff, limited to basketball. Currently, 488 Iowa high schools belong to the association, which sanctions 17 championships in 13 different sports for girls. The girls' athletic program in Iowa, moreover, has been operational for 20 years. Gilbert and Williamson, "Women in Sport", Sports Illustrated, June 4, 1973, pp. 48-53.

[57] For instance, in Montana, the Superintendent of Public Instruction in 1947 issued a directive that stated that any school that had a girls' basketball team was prohibited from having a boys' basketball team. Apparently, she was concerned that there was more playing on the bus than on the court. See also Gilbert and Williamson, "Women in Sport", Sports Illustrated, May 28, 1973, pp. 95-96.

[58] Ibid., June 11, 1973, p. 62. See also the fears expressed by John Roning, Big Sky Athletic Commissioner, Great Falls Tribune, July 16, 1974.

[59] Survey on Girls' Inter-School Activities in Montana, July 1974, Montana Legislative Council Files.

[60] Gilbert and Williamson, "Women in Sport", Sports Illustrated, June 11, 1973, p. 62.

[61] Ibid., May 28, 1973, p. 97, and June 11, 1973, p. 66.

[62] Survey on Girls' Inter-School Activities, July 1974, Montana Legislative Council Files.

[63] Interview with Dalley and Irish, August 6, 1974.

[64] Minnesota, for example. See Marvin Helling, "Women's Rights in Athletics", in Women's Athletics: Coping with Controversy, pp. 20-25.

[65] Nyquist, "Equity in Athletics".

[66] Ibid.

[67] Mike Marshall, Los Angeles Dodgers, Sports Illustrated, August 12, 1974, p. 17.

[68] Survey on Montana Inter-School Activities, July 1974, Montana Legislative Council Files.

[69] Ibid.

[70] See, for example, Virginia High School League Handbook, &1973-1974, p. 100; 1973-1974 Wisconsin Interscholastic Athletic Association Handbook, p. 45.

[71] Iowa does just this, and with considerable success. Gilbert and Williamson, "Women in Sport", Sports Illustrated, June 4, 1973, p. 48.

[72] Survey of State Inter-School Activities Associations, July 1974, Montana Legislative Council Files.

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APPENDIX A

_____ JOINT RESOLUTION NO. _____

INTRODUCED BY _____

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING ALL SCHOOL OFFICIALS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND THE MONTANA HIGH SCHOOL ASSOCIATION TO PROMOTE EQUITY BETWEEN BOYS' AND GIRLS' INTERSCHOLASTIC ACTIVITIES.

WHEREAS, interscholastic activities are an integral part of the educational process for girls as well as for boys, and

WHEREAS, inequities exist between girls' and boys' interscholastic activities in such areas as the salaries of the coaches of girls' teams, the use of facilities for interscholastic activities by girls' teams, and the number of opportunities available for girls to participate in interscholastic activities, and

WHEREAS, the Department of Health, Education and Welfare, under the authority of the United States government, has declared that federal assistance may not be available to schools that discriminate in extracurricular activities on the basis of sex, and

WHEREAS, equality of opportunity can be best achieved in an atmosphere where those in positions of influence or

leadership do their best to promote that opportunity.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the legislature urges all school officials including coaches, administrators and trustees, the Superintendent of Public Instruction, and the Montana High School Association to actively and aggressively promote equity between boys' and girls' interscholastic activities.

-End-

APPENDIX B

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 75-5607 AND 75-5707, R.C.M. 1947, TO EMPOWER THE BOARD OF PUBLIC EDUCATION TO OVERSEE ORGANIZATIONS WHOSE PURPOSE IS TO REGULATE INTERSCHOLASTIC ACTIVITIES, AND TO APPOINT TWO MEMBERS TO SERVE AS MEMBERS OF THE BOARD OF DIRECTORS OF SUCH ORGANIZATIONS; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO APPOINT A REPRESENTATIVE TO THE BOARD OF DIRECTORS OF SUCH ORGANIZATIONS; AND LIMITING THE POWER OF SCHOOL DISTRICTS TO JOIN ORGANIZATIONS NOT OVERSEEN BY THE BOARD."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5607, R.C.M. 1947, is amended to read as follows:

"75-5607. Powers and duties. The board of education shall have the power and it shall be its duty to:

(1) effect an orderly and uniform system of teacher certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by sections 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher certificates, and appeals from the denial of teacher

certification in accordance with the provisions of section 75-6010;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of section 75-6917;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of section 75-7004;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of section 75-7403;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday, and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of sections 75-7404 and 75-7405;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of sections 75-7501 and 75-7502;

(8) establish the scope of conservation education in the schools in accordance with the provisions of section 75-7509;

(9) approve or disapprove educational media selected by the superintendent of public instruction for the

educational media library in accordance with the provisions of section 75-7511;

(10) as the governing board of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of section 75-7702;

(11) consider applications for post-secondary vocational-technical center designation in accordance with the provisions of section 75-7707;

(12) for the purposes of post-secondary vocational-technical centers, approve or disapprove programs and budgets, direct the distribution of moneys in support of such budgets, determine tuition rates and fees, enter into lease agreements or real property purchases in accordance with the post-secondary vocational-technical center provisions of the vocational education chapter of this Title;

(13) adopt policies for the conduct of special education in accordance with the provisions of section 75-7802;

(14) supervise community college districts in accordance with the provisions of sections 75-8103 and 75-8119;

(15) call an election, determine the results of the election, order and implement the organization of a community college district in accordance with the community

college districts chapter of this Title; ~~and~~

(16) approve all rules or regulations and changes therein promulgated by an association or organization whose purpose is to regulate interscholastic activity involving public schools;

(17) review quarterly the financial statements, and annually the audit, of an association or organization attempting to regulate interscholastic activity involving public schools;

(18) appoint two (2) members to serve as members with full privileges on the board of directors or board of control of an association or organization whose purpose is to regulate interscholastic activity involving public schools, and

~~(16)~~ (19) perform any other duty prescribed from time to time by this Title or any other act of the legislature."

Section 2. Section 75-5707, R.C.M. 1947, is amended to read as follows:

"75-5707. Powers and duties. The superintendent of public instruction shall have the general supervision of the public schools and districts of the state, and he shall have the power and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of joint costs by a joint board of trustees under

the provisions of section 75-5929;

(2) issue, renew or deny teacher certification and emergency authorizations of employment and give notice of teacher certification suspension or revocation proceedings to be conducted by the board of education in accordance with the provisions of the teacher certification chapter of this Title;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of section 75-6318;

(4) pay the tuition for the residents of the Montana children's center at Twin Bridges high school in accordance with the provisions of section 75-6319;

(5) serve on the teachers' retirement board in accordance with the provisions of section 75-6203;

(6) prescribe absentee voting forms and rules in accordance with the provisions of section 75-6416;

(7) approve or disapprove the orders of a hign school boundary commission in accordance with the provisions of section 75-6528;

(8) approve or disapprove the opening or reopening of a school in accordance with the provisions of sections 75-6602, 75-6603, 75-6604, or 75-6605;

(9) approve or disapprove school isolation within the limitations prescribed by section 75-6608;

(10) generally supervise the school budgeting

procedures prescribed by law in accordance with the provisions of section 75-6702, and prescribe the school budget format in accordance with the provisions of section 75-6704 and 75-7209;

(11) establish a system of communication for calculating joint district revenues in accordance with the provisions of section 75-6721;

(12) approve or disapprove the adoption of a district's emergency budget resolution under the conditions prescribed in section 75-6725, and publish rules and regulations for an application for additional state aid for an emergency budget in accordance with the approval and disbursement provisions of section 75-6729;

(13) generally supervise the school financial administration provisions as prescribed by section 75-6802;

(14) appoint the responsible county officials for the performance of the budgeting duties and the financial administration duties for a joint district in accordance with the provisions of sections 75-6720 and 75-6803;

(15) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of subsection (5) of section 75-6806, and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of

section 75-5809;

(16) approve, disapprove or adjust an increase of the average number belonging (ANB) in accordance with the provisions of sections 75-6903 and 75-6904;

(17) distribute state equalization aid in support of the foundation program in accordance with the provisions of sections 75-6908, 75-6918, and 75-6919;

(18) estimate the state-wide equalization level for the foundation program in accordance with the provisions of section 75-6920;

(19) distribute state impact aid in accordance with the provisions of section 75-6925;

(20) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of section 75-7005;

(21) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of section 75-7207;

(22) request, accept, deposit and expend federal moneys in accordance with the provisions of section 75-7303;

(23) authorize the use of federal moneys for the support of an interlocal co-operative agreement in accordance with the provisions of sections 75-7306 and 75-7307;

(24) prescribe the form and contents of and approve or

disapprove interstate contracts in accordance with the provisions of section 75-7308;

(25) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of sections 75-7404 and 75-7405;

(26) recommend standards of accreditation for all schools to the board of education, and evaluate compliance with such standards and recommend accreditation status of every school to the board of education in accordance with the provisions of sections 75-7501 and 75-7502;

(27) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of sections 75-7505 and 75-7506;

(28) recommend the scope of conservation education in the schools to the board of education in accordance with the provisions of section 75-7509;

(29) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of section 75-7511;

(30) license textbook dealers, maintain a textbook library, initiate prosecution of textbook dealers violating the law, and supply a textbook listing in accordance with the provisions of the textbooks chapter of this Title;

(31) administer and perform the duties as the executive officer of the board of education for vocational education

in accordance with the provisions of section 75-7703;

(32) consider applications for the designation of a post-secondary vocational-technical center in accordance with the provisions of section 75-7707;

(33) establish a fund for the handling of post-secondary vocational-technical center fees in accordance with the provisions of section 75-7714;

(34) supervise and co-ordinate the conduct of special education in the state in accordance with the provisions of section 75-7803;

(35) administer the traffic education program in accordance with the provisions of section 75-7904;

(36) administer the school food services program in accordance with the provisions of sections 75-8002, 75-8003, and 75-8004;

(37) determine the result of an organization election for a community college district and the related election of trustees in accordance with the provisions of section 75-8112;

(38) review school building plans and specifications in accordance with the provisions of section 75-8206;

(39) publish and distribute fire danger books in accordance with the provisions of section 75-8309;

(40) prescribe the method of identification and signals to be used by school safety patrols in accordance with the

provisions of section 75-8310; ~~and~~

(41) appoint a representative to serve as a member with full privileges on the board of directors or the board of control of associations or organizations whose purpose is to regulate interscholastic activity involving public schools; and

~~(41)~~-(42) perform any other duty prescribed from time to time by this Title, any other act of the legislature, or the policies of the board of education."

Section 3. There is a new R.C.M. section that reads as follows:

Limitation of power. The board of trustees of a school district may not be a member of an association or organization that sponsors or attempts to regulate interscholastic activity unless the association or organization subjects its rules and regulations to the state board of public education for approval, files financial statements at regular intervals with the state board of public education, and has a representative of the superintendent of public instruction with full privileges on its board of directors or board of control.

-End-

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